

REMARKS/ARGUMENTS

Applicants respectfully request further examination and reconsideration in view of the instant response. The claims remaining in the present application are Claims 1-26. Claims 1-26 are rejected. Claims 1, 10, 16 and 22 are amended herein. No new matter has been added. Support for the claim amendments can be found at least at page 21, lines 25-27.

CLAIM REJECTIONS – 35 U.S.C. §103(a)

Claims 1-26

The instant Office Action states that Claims 1-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Want et al. (US 6,122,520), hereinafter referenced as “Want,” in view of Schneider et al. (US 7,035,896), hereinafter referenced as “Schneider.” Applicants respectfully submit that the embodiments of the present invention as recited in Claims 1-26 are patentable over the combination of Want and Schneider for at least the following rationale.

As presented above, Claim 1 recites an embodiment of the present invention (emphasis added):

A computer readable storage medium having a data structure disposed therein for providing information corresponding to a geographic location, said data structure comprising:

- a first data field for identifying said geographic location and positional data related to a physical location of said geographic location; and
- a second data field associated with said first data field for containing said information, said second field is comprising a uniform resource locator, wherein a user can access said information;

wherein said first data field and said second data field are linked such that said data structure comprising said positional data and said uniform resource locator related to said physical location functions as a virtual beacon and is downloadable to a client device near said physical location such that said uniform resource locator is accessible by said user without browsing, wherein a physical location of said client device is not required to be transmitted;

said virtual beacon selectively provides a portion of said information to said client device on said network, wherein said portion is based on a context relating to a user of said client device; and

said context and said information is dynamically updated based on a condition relating to a temporal pertinence of said information.

Independent Claims 10, 16 and 22 recite similar embodiments. Claims 2-9, 11-15, 17-21 and 23-26 that depend from independent Claims 1, 10, 16 and 22, respectively, also include these embodiments.

“As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries” including “[a]scertaining the differences between the claimed invention and the prior art” (MPEP 2141(II)). “In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious” (emphasis in original; MPEP 2141.02(I)).

Applicant notes that “[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations, however, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art” (emphasis added; MPEP 2141(III)).

Moreover, Applicant respectfully notes that “[a] prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention” (emphasis in original; MPEP 2141.02(VI); *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984)).

Applicants respectfully submit that Want does not suggest or teach “a physical location of said client device is not required to be transmitted” as claimed. Moreover, Applicants respectfully submit that Want teaches away from “a physical location of said client device is not required to be transmitted” as claimed. Applicants understand Wood to disclose a physical location of a client device is required to be transmitted. In particular, Want discloses “[i]nformation associated with the coordinate entry defining a specific location is then transmitted to the computer 110 via the transceiver 130” (emphasis added; col. 4, lines 20-23), “the location information system 100 transmits...the coordinate entries directly to the predetermined node 300” (emphasis added; col. 4, lines 40-42), and “the bar code label 212 encoded either the same longitudinal and latitudinal information that would be obtained from the GPS system....[and]... [t]he coordinate entry...is transmitted to the distributed network 305” (emphasis added; col. 6, lines 38-48). Therefore, by disclosing a physical location of a client device is required to be transmitted, Applicants respectfully submit that Want teaches away from “a physical location of said client device is not required to be transmitted” as claimed.

Moreover, Schneider does not overcome the deficiencies of Want. Applicants understand Schneider to teach or suggest a “[a] device, network access apparatus executes any program such as servlet, applet, script, or web browser” (abstract). In particular, Schneider does not teach or suggest “a physical location of said client device is not required to be transmitted” as claimed.

Applicants respectfully submit that the combination of Want and Schneider, as a whole, does not satisfy a *prima facie* case of obviousness under 35 U.S.C. §103(a). Therefore, Applicants respectfully submit that Claims 1, 10, 16 and 22 are in a condition for allowance. Applicants respectfully submit that the combination of Want and Schneider also does not render obvious the additional claimed features as recited in Claims 2-9, 11-15, 17-21 and 23-26 that depend from independent Claims 1, 10, 16 and 22, respectively. Therefore, Claims 2-9, 11-15, 17-21 and 23-26 are in a condition for allowance as being dependent on an allowable base claim.

CONCLUSION

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1-26 overcome the rejections of record, and therefore Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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